

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RIPPY OIL COMPANY	§	
Plaintiff	§	
	§	
VS.	§	CIVIL ACTION NO. 4:22-CV-00276
	§	
ACE AMERICAN INSURANCE	§	
COMPANY, CHARTIS SPECIALTY	§	
INSURANCE COMPANY N/K/A	§	
AIG INSURANCE COMPANY,	§	
SPECIALTY INSURANCE	§	
COMPANY, AND RISK	§	
SPECIALISTS COMPANIES	§	
INSURANCE AGENCY, INC.	§	(JURY DEMANDED)
COMPANY)	§	
Defendants	§	

**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE RESPONSE IN OPPOSITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Rippy Oil Company (“Rippy Oil”), respectfully requests the entry of an order extending the time within which Plaintiff Rippy Oil must file its response to the Motion to Dismiss, or in the alternative, To Transfer or Stay filed February 1, 2022 by Defendants AIG Specialty Insurance Company (formerly known as Chartis Specialty Insurance Company) (“AIG”) and Risk Specialists Companies Insurance Agency, Inc. (“Risk Specialists”) (Doc. 4) and Joinder in Motion (Doc. 8) filed by ACE American Insurance Company (“ACE”), and in support thereof would show the Court as follows:

1. AIG and Risk Specialists removed this case from the 133rd Judicial District Court for Harris County, Texas on January 27, 2022. (Doc. 1).

2. AIG and Risk Specialists filed their Motion to Dismiss, or in the alternative, To Transfer or Stay on February 1, 2022, (Doc. 4) making Rippy Oil's original response deadline February 22, 2022. (LR 7.3).

3. ACE filed a Joinder in AIG's and Risk Specialists' Motion to Dismiss, or in the alternative, to Transfer or Stay on February 10, 2022 (Doc. 8) making Rippy Oil's original response deadline to the Joinder March 3, 2022 (LR 7.3).

4. Rippy Oil filed a Third Unopposed Motion for Extension of Time to File a Response ON March 22, 2022 (Doc. 21), but is in need of additional time to respond to both AIG's and ACE's Motions.

5. Rippy Oil requests an additional one (1) day extension of time, up to and including March 23, 2022, to respond to the AIG and Risk Specialists Motion to Dismiss, or in the alternative, to Transfer or Stay and Joinder in Same by ACE. If granted this would result in a 29 day extension from the original response deadline to AIG's Motion referenced in paragraph 2 above and a 20 day extension to respond to ACE's Joinder referenced in paragraph 3 above.

6. All counsel-of-record have been contacted and they have no opposition to the relief sought herein.

7. There is good cause for the extension of time. Plaintiff Rippy Oil needs further time to analyze the Motion, and Joinder. Additionally, a key attorney for Plaintiff Rippy Oil, lead attorney in the underlying Leon County State Court lawsuit and on Plaintiff's Original Petition filed in the 133rd Judicial District Court of Harris County, Texas (Doc. 1-2, p. 22), Kenneth Tekell Sr. had unexpected major heart surgery on February 7, 2022

and has only recently recovered sufficiently to be actively involved with responding to the Motion and Joinder in question. Moreover, on February 25, 2022, Knight Oil Tools, Inc. filed a Petition for Review in the Texas Supreme Court. Attorneys for Rippy Oil has been working on responding to same and filed its response with the Texas Supreme Court on March 15, 2022. Finally, Rippy Oil has been preparing and recently filed, on March 15, 2022, a Motion for Abstention and to Dismiss or in the alternative Stay or Transfer and Memorandum of Law in support thereof in the Louisiana Federal Court to which AIG, Risk Specialist, and ACE seek transfer. (See Exhibit 1 attached hereto). Likewise, Defendant in the Louisiana Federal Case, Knight Energy Services, LLC, filed a Motion to Dismiss, or in the alternative, Stay the Louisiana Case on March 22, 2022, which needs to be analyzed for purposes of Rippy Oil's response. (See Exhibit 2 attached hereto).

8. Finally, the severe weather that swept through Houston on March 22, 2022, delayed the start of work on March 22, 2022, causing unforeseen delay.

9. The requested extension will serve the purposes of substantial and procedural due process and promote the proper sequence of determining procedural motions such as a Motion to Remand, if any filed, and Defendant's Motion to Dismiss, or in the alternative, to Transfer or Stay and Joinder in same.

10. The Court entered an Order for Initial Pretrial and Scheduling Conference on February 3, 2022, setting that conference for May 26, 2022. (Doc. 5). Accordingly, this extension will not interfere with the time set for the Court's Order for Initial Pretrial and

Scheduling Conference or any other deadline pursuant to Federal Rule of Civil Procedure 26, leading up to the May 26, 2022 Scheduling Conference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Rippy Oil Company respectfully requests that this Honorable Court enter an order granting it a one (1) day extension of time, up to and including March 23, 2022, to file responsive pleadings to AIG's and Risk Specialists Motion to Dismiss, or in the alternative, to Transfer or Stay (Doc.4) and Joinder in same by ACE (Doc. 8), and for such other and further relief to which Plaintiff Rippy Oil Company shows itself justly entitled.

Respectfully submitted,

Taylor, Book, Allen & Morris, L.L.P

/s/ Mike Morris

Mike Morris

Attorney-in-charge

State Bar No. 14495800

1221 McKinney, Suite 4300

Houston, Texas 77010

(713) 222-9542

(713) 655-7727 - Fax

mmorris@taylorbook.com

***Attorneys for Plaintiff, Rippy Oil
Company***

CERTIFICATE OF CONFERENCE

I certify that counsel of record for Plaintiff Rippy Oil Company has conferred with all counsel-of-record for Defendants AIG, Risk Specialists and ACE who have indicated that they have no opposition to this unopposed Motion for Extension of Time.

/s/ Mike Morris

CERTIFICATE OF SERVICE

I certify that on this 22nd day of March, 2022, a true and correct copy of the foregoing instrument was served via electronic means through transmission facilities from the Court upon those parties authorized to participate and access the Electronic Filing System for the Southern District of Texas:

/s/ Mike Morris